G. R. S. IX-5]

Previous references.

1874

~~191~~ .

(Courts)

Later references.

Incomplete

File No. 3-1874

Serial Nos. 1—3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

Part B for Dec 1874

JBJECT

Proposal to establish Circuit courts in some of the Sub-divisions of Mussoorie

Indexed

W D 88—GPB—50,000—24-7-16

Note regarding transfer to Civil Courts:-

GOVERNMENT OF MYSORE

In the course of my present tour, my attention has been drawn to the following points connected with these Courts:-

1. Their territorial jurisdiction. This requires early consideration and re-adjustment in view to the fact of Chikballapur, which was subject to the Kolar Court, is now attached to that of Chintamani.-

2. The manner in the Sessions Court could attend the periodical re-visitation by the Sessions Judge of various important towns within their jurisdiction.-

This question due to the fact of much importance to the useful working & perpetuity of these Courts, & should not be considered & dealt with as early as possible. District Officers should be able to give the information as to what sums be available on this head, as also on that de-manded by the Judge.-

3. The [illegible] which the Courts are opened.-

At present Sunday alone is used for this purpose, which though not sufficient by itself alone, is not available for the District Courts, in which the Sessions should, & consider this

these judgments in Chancery as the Remedies of the Parties.
The words may be written in Scotch of Record Commissioners, but they should be Chancery Commissioners, which should be exactly defined, as the jurisdiction of the Court.—

4. The governing jurisdiction of the Courts.—

It seems to be generally decided that both the Bankruptcy & Insolvency governing powers of these Courts should be united, & I think we should recommend something to be made with that object.

The question should, it seems to me, be considered with reference to the opinions of the Chancellor & Barristers of the Province in such case.—

5. The necessity for providing Rooms for the Courts.

This may be the case where the Courts are not held at Head Quarters, & therefore should be so where they are located at the latter, as Kingston & Cobourg.—

Arrangements should be at once made for the Court House in Belleville being fitted up, as before said daily by Deputy Clerks of the Belleville Courts, by the Sheriffs' Courts at Belleville & Kingston

... land for the settlement of the Red Lands now supplied to ...

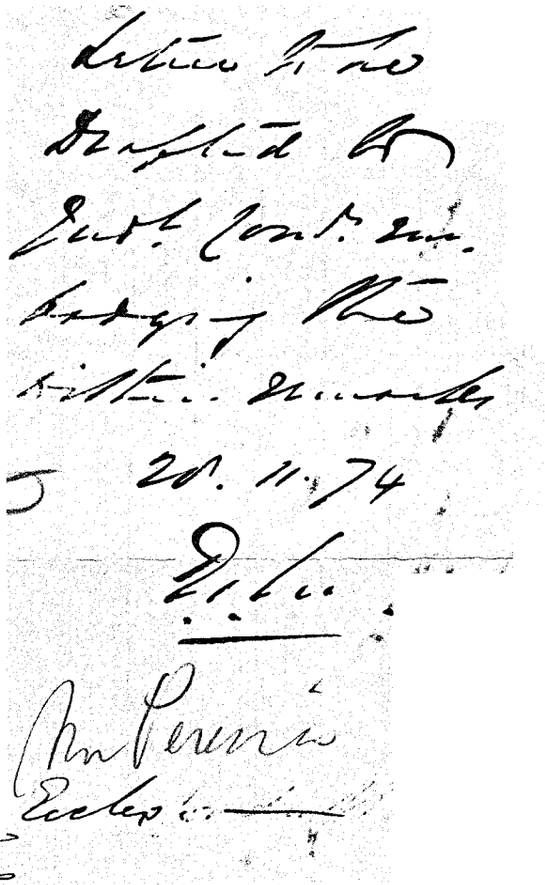
6. The provision of suitable Court houses for the Aboriginals.—

The Court Houses of Aboriginals should, whenever practicable be connected with the Lock Hospitals, and where this cannot be conveniently provided for them. Two new Lock Hospitals have to be built where Aboriginals are to be treated, at Katoomba and Coolah Robertson.

Where there are Lock Hospitals Aboriginal Patients already exist at those Aboriginals' Courthouses are suggested, the best day of Court being the same with the Police Court in each case.

7. It should be provided that the ...

Encl. Report Sub-Committee re Land for the Settlement of Aboriginals.
Circular letter from Secretary re Aboriginals.
Memorandum.—



1.12.74

3/12/74

1874.

From

The Secretary to the Chief Commissioner of Mysore.

To

The Judicial Commissioner of Mysore

Courts
File No 3 — 1874
Serial No 1

Dated 4th December

Despatched

Received

ENCLOSURES NO. —

General No. 6511 / *Jud'l No.* 106 } 1874-75

Requests an expression of the Judicial Commrs views on the points noted in connection with the existing Moonsiffs' Courts.

2 pages. 5/12

Recd 4 pm. 4-12-74

Jud 106 3 14.5.

Mysore Chief Com.—Office
Bangalore. 4th December 1874
MYSORE COMMISSION.

The Judicial Commissioner
Mysore

Sir,

The Chief Commissioner's attention having been drawn during the course of his present tour, to certain arrangements which appear desirable, in connection with the existing moonsiffs Courts, I am directed to request that you will be good enough to favour him with an expression of your views on the following points

Territorial Jurisdiction of Moonsiffs Courts—

2— Sir Richard Meade is of opinion that the Territorial jurisdiction of these Courts generally requires re-consideration, and in some cases re-adjustment— For instance

Mulbagal

the Mulbagal, ~~Court, which~~
should, he considers, be
subject to the jurisdiction
of the Kolar Moonsiffs Court
instead of to the Chintā=
=mony Court.

3— The convenience to the public that would attend the periodical visitation by the Moonsiffs of certain important or central places within their jurisdiction is a point of much importance as contributing to the usefulness & popularity of these Courts, and the Chief Commr. considers that the question should be considered and dealt with as soon as possible in communication with the District Officers, who are doubtless in a position to afford at once informa=
=tion as to what seems desirable on this head as well as on the points noticed in the preceding

Circuit Courts

Language employed in decrees -

4- The Chief Commr observes that decrees issued by the Moonsiffs are written in the English language only, which, though suitable enough for places like Bangalore, is not adapted ~~for~~ to the requirements of the people who resort to the Courts out in the Districts - He is of opinion that in the latter Courts, the Moonsiffs should deliver their judgements in Canarese, as the Language of the Province, the awards being written in English if deemed convenient, but there should also be ~~together with~~ a Canarese version thereof, which should be read or delivered in each case as the judgement of the Court.

Pecuniary jurisdiction

5- There seems to be a general desire that both the small cause and ordinary pecuniary powers of these Courts should be raised - I am deemed

desired to state that Sir Richard Meade will be prepared to consider favourably any recommendation that you may make with the above object, and to add that the question should for the present be considered with special reference to the character & qualifications of the Moonsiffs in each case.

6. In all cases where a Moonsiffs Court is located at Talook Head Quarters, arrangements should be at once made for paying for depositing, for security all Court money or valuables every day in the Talook Treasury and the Bar guards at present supplied to such Courts should be withdrawn. This Remark does not apply to the Courts which are not located at Talook Head Quarters.

Withdrawal of Bar guards from the Courts

7. The Chief Commissioner is of opinion that the Court Houses of Moonsiffs located at

Providing suitable Court Houses

MYSORE COMMISSION.

shunts, wherever practicable, be connected with the Salug Cutcheries. This should be specially provided for wherever new Talook Cutcheries have to be built where Moonsiffs are located as at Kolar & Chota Ballapur, but where permanent Talook Cutcheries already exist at places where Moonsiffs Court houses are required, the best way of connecting the latter with the former should be considered in each case.

8. The Chief Commissioner is glad to find that the general feeling with regard to the Moonsiffs Courts appears to be favourable.

Shunt

17

Copy

Gl
3/12/74

1874

From
The Secretary

8

1874-75.

From Judl. Commissioner in Mysore

To

Secretary to Chief Commissioner,
General Department.

Dated 4th February 1875

Despatched 5-2-75

Received 5-2-75

ENCLOSURES NO. 1.

General No. 2263 / No. 279 } 1875.

Referring to his No. 65-11/106 of the 4th December 1874 forwards for the Chief Commissioner's information copies of letter & Memorandum sent to the Commissioner of Mundydroog proposing a system of District Courts in lieu of the Munsiffs and Divisions, & makes certain observations thereon.

Noted 6-2-75

Noted 30.

Noted 5/2/75

Noted 6-2-75

Noted 8/2/75

Court's Letter No. 3 of 1874

2 Encls. Regd. & Para 7. Why that a Separate proposal may be made on the subject which shall be duly dealt with. It appears to me to be a matter of the one, but some provision may be necessary to prevent possible doubts hereafter between the Judge of the S.C. Court & the Dist. Judge. D.L.L.

6.2.75

279

Mysore Judl. Commrs Office
Bangalore 1st July: 1875.

From.

J. D. Gordon Esquire C.S.I.
Judicial Commissioner
of Mysore.

To.

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

Referring to your letter No. 6511/106 of the 4th December 1874, I have the honor to forward for the Chief Commissioner's information copies of letter No. 2188/271 dated the 27th Ultimo and a Memorandum, sent by me to the Commissioner of the Kandydroog Division. It will be observed that I propose a system of Circuit Courts, in some of the Munsiffs' Sub Divisions, the transfer of the Mulwagal Taluk to the jurisdiction of the Kolar Munsiff, and in some instances a change of the present Head Quarters of the Courts. Upon receipt of the Commissioner's

report, a definite proposal will be submitted for the Chief Commissioner's approval.

2. It may be also here stated that I have requested the Commissioner of the Nohtagram Division to favor me with his opinion on a similar system of Circuit Courts which I planned for his Division.

3. With reference to the Chief Commissioner's remarks Regarding Canarese translations of English Judgments, I propose to require the Subordinate Courts to act up to the provisions of Section 185 of the Civil Procedure Code, under which the Courts are required to place on record, Vernacular Versions of their Judgments, when written in English. Most of the Munsiffs of the Nandydroog and Nohtagram Divisions would, however, prefer writing their Judgments in English, as being able to write in that language more intelligible decisions than in the Vernacular, and I should be most reluctant to discourage this use of English; but the labor of translation, which, with their present establishment

I have very d
think all Jud
-gments should be
with to write
decision the
judgments in
cases as well
as in English

must devolve upon themselves, will be great, and a small additional Establishment will be necessary; and till this is given, compliance with the law will I fear practically be impossible. Pending increase of establishment therefore, I would limit the translations to cases in which the parties specially apply for them.

4. The question of enhancing the present pecuniary jurisdiction of Munsiffs is now under consideration. I am very strongly in favor of such enhancement, and I would propose to increase the Small Cause jurisdiction to Rupees 50, and the ordinary to Rupees 1000. The step requires, however, some consideration with reference specially to its effect upon appeals, and I am in communication with the Commissioners on the subject and the results shall be duly reported.

5. In regard to the Courts at Yellumka, Biddadee, Jurvetee and Chintamani, the retention of the present Bar Guard is necessary; but with regard to the others it may be discontinued, and I have ac-

cordingly addressed the Commissioner of the Nandydroog Division on this subject.

6. I concur with the Chief Commissioner in his opinion of the advisability of having the Munsiffs Court in the same building with the Talook Cutcherry where practicable, and the attention of the Commissioners has been drawn to the subject for their consideration with reference to any proposals for new Talook Cutcherries or Munsiffs Courts which may hereafter be made.

7. I take this opportunity to express my opinion regarding the experiment recently tried at Kolar, of adding the Kolar District to the jurisdiction of the Judicial Assistant at Bangalore. This arrangement has in my opinion worked satisfactorily, and I think that another Judicial Assistant is not at present required for the Kolar District, but that it would be preferable and convenient arrangement to make the Small Cause Court Judge and Judicial Assistant at Bangalore, Judges with co-ordinate and co extensive Jurisdiction

over the Bangalore and Kolar Districts. The Judicial Assistant will have, in addition to his present jurisdiction, that of the Small Cause Court Judge, and the latter in addition to what he now has, that of the Judicial Assistant, Under such arrangement, these two Officers will be able to divide between themselves all Small Cause and Regular Suits of both Districts, and the change is in every way desirable. The establishment of Munsiffs' Courts in the Province and the enhancement of their present pecuniary jurisdiction will, I believe, enable the Chief Commissioner at no distant date to dispense with some of the Judicial Assistants in the Province if on general consideration this step should be deemed desirable, but on this subject I shall be prepared to address the Chief Commissioner more in detail hereafter.

I have the honor to be
Sir
Your most obedient Servt.

J. D. Gordon
Judicial Commissioner

J.P.

No. 2101/271

Mysore Jud.l Commr.s Office
Bangalore 27th January 1875.

To
The Commissioner
of Mundydroog.

Sir,

I have the honor to forward herewith copy of a Memo containing my proposals regarding a system of Circuit Courts which the Munsiffs in your Division should be required to hold periodically, and I request that you will be so good as to furnish me as soon as possible, with the Report referred to in the last para of the Memo.

I have &c
(Signed) J. D. Gordon
Judicial Commissioner.

Memorandum.

The Chief Commissioner is of opinion

opinion that a system of periodical circuits will greatly add to the use-fulness and popularity of the Inferior Courts. I not only share this opinion, but also consider that in many parts of the Province such a system is absolutely necessary, owing to the necessarily large extent of the territorial jurisdiction of each Court.

The principal features of such a system in my opinion are.

1st The selection of proper places for the Circuit Courts.

2ndly The holding of the Circuit Court at each time for a period sufficiently long to ensure the due disposal of most of the suits arising in the tract of country about the place where the circuit court may be held.

3dly The fixing of the times of circuit with reference to the seasons, and the customs of the people so as to ensure public convenience.

and 4thly The due publication of the time and place of the different circuits for each Court.

2. In regard to the places, the following arrangements appear suitable

for

for the Sundyghoorg Division -

The Courts of Bangalore, Yelahunka and Chinthamony need not in my opinion go out on Circuit, in consideration both of the considerably large number of suits on their files and of the fairly central position of their Head Quarters.

Bidadee Munsiffs Court -

The Head Quarters of this Court should in my opinion be changed from Bidadee, which is at one end of the Sub. Division, to Closepett, which is more conveniently situated, and Magadi should then be fixed as a place for Circuit Courts. A circuit towards Kankanelly may perhaps with reference to territorial limits be considered desirable, but the country is wild and sparsely inhabited, and a circuit there may not be necessary.

Kolar Munsiffs Court

The Mooldagul Taluq should, as suggested by the Chief Commissioner, be taken out of the Chinthamony Sub Division, and added to the Jurisdiction of

of the Kolar Court, and then Cuddalore Moorlbagul would be an appropriate place for a Circuit Court.

Circuit Court at Goodiliunda — Chickaballapur Munsiffs Court

Circuit Court at Seera — Korligeé Munsiffs Court.

If the Head Quarters of this court are to remain where they are, then there should be Circuit Courts at { 1 Runegal and 2 Sipdur — Sirrechere Munsiffs Court.

But if the Head Quarters can conveniently be transferred to Kadab it may be generally more convenient. In that case, Circuit Courts, thrice a year at Sipdur, and once at Runegal may with advantage be directed.

3 As regards the question of the length of time for which the circuit court should be held at the appointed places, I am of opinion that it should ordinarily extend to one month at each place, once in six months when there are two circuits within the Munsiffs Jurisdiction, and once in four months when there is only one such Court. Such period may, however, be slightly increased or diminished in

accordance with the actual experience of the number of suits at each place.

4. The success of the system will greatly depends upon due and timely publicity being given to the dates and places of Circuit Courts. To attain this end, I would publish in the Gazette the places and months of the different circuits which may be appointed for each Monnesiffs Court. The Monnesiff should also on each occasion of his visit, cause to be posted conspicuously in his own Head Quarter court house and in the Sabug Cutcheries within his Jurisdiction a timely notice specifying the date on which he may intend to open the Circuit Court.

5. I shall be obliged by any suggestion that the Commissioner of the Sundeerbung Division or the Deputy Commissioners in his Division may have to make on the several points above referred to, and also by his furnishing me with a list of the months which he may consider most suitable for the Circuits of the different Monnesiffs Courts in

in his Division

19

(signed) J. D. Gordon
Judicial Commissioner.)

Copies.

J. D. Gordon

Judicial Commissioner.

2.12

M. 85-

1875.

No. 8084
137

From

To The Judicial Commissr.
of Mysore

Subject Court
File No 30 of 1874
Docket No 3

Dated 9 February
Despatched "
Received Feb. 12th

ENCLOSURES NO.

General No. 8084 } 1874-75
J No. 137

Commenting on the proposal
made to establish Circuit Courts
in some of the Munsiffs' Sub. Divs.

Bangalore 9 February 75.

MYSORE COMMISSION

N. 8084
J. 137

The Judicial Commissioner
of Mysore

Sir,

In acknowledging the receipt of your letter of the 4th Instant No. 2263/279 regarding the system of Circuit Courts proposed to be established in some of the Moonsiffs sub-divisions, I am directed to observe that the only points which seem to call for remark are those noticed in paras 3 and 7.

2 - With regard to para 3, the Chief Commr is of opinion that no person should be appointed a Moonsiff in Mysore who cannot write and deliver his judgment in Canarese as well as English and then being able

to

to do so should be an obligatory qualification for all candidates for the office.

3 - With regard to the question raised in para 7, I do not propose that a separate proposal may be made on the subject when the matter will be duly dealt with. The arrangement indicated appears to Sir R. Meade to be a suitable one, but some provision may be necessary to prevent possible clashing of authority between the Judge of the Small Cause Court and the Judicial Assistant of Bangalore.

I have &c

Offg Secy

GH
8/2/95